

# **EXHIBIT A**

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**Subject:** RE: Ardia Deposition (boxun case)  
**From:** "Marc John Randazza, Esq." <mjr@randazza.com>  
**Date:** Thu, Nov 15, 2012 3:39 pm  
**To:** "Adam LeBerthon" <aleberthon@glaserweil.com>  
**Cc:** "David Ardia" <ardia@email.unc.edu>

We'll introduce it, then you can object to it.

I appreciate that you're not taking his deposition. At least that saves my client a few bucks.

----- Original Message -----

**Subject:** RE: Ardia Deposition (boxun case)  
**From:** Adam LeBerthon <[aleberthon@glaserweil.com](mailto:aleberthon@glaserweil.com)>  
**Date:** Thu, November 15, 2012 3:20 pm  
**To:** "Marc John Randazza, Esq." <[mjr@randazza.com](mailto:mjr@randazza.com)>  
**Cc:** David Ardia <[ardia@email.unc.edu](mailto:ardia@email.unc.edu)>

Marc,

Plaintiff objects to the belated designation of Professor Ardia as an expert for purposes of the pending anti-SLAPP motion. As you know, defendant filed his motion in August, and it was not based on any report or declaration by Professor Ardia. It's now too late to use him for purposes of that motion. Further, defendant has provided no justification or explanation for his efforts to rely on an untimely expert report by Professor Ardia, nor has he provided any legal authority to support his contention that he can do so at this time.

Please let me know if you would like to discuss this matter further.

Best,

Adam

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**From:** Marc John Randazza, Esq. [<mailto:mjr@randazza.com>]  
**Sent:** Wednesday, November 14, 2012 11:00 AM  
**To:** Adam LeBerthon  
**Cc:** David Ardia  
**Subject:** Ardia Deposition (boxun case)

Adam,

Professor David Ardia will be providing an expert report. I do not know if that will mean that you will want to depose him, but he has indicated that he can make himself available in Chapel Hill, NC on Weds, Nov. 28th. I wanted to let you schedule that, if it is something you want to do. Given that your reply is due Nov. 30, I know that makes it a bit tight, but it is the best he can do. Perhaps you can work out an earlier date with him, but I have asked him to look at his calendar, and that is the earliest date he can provide a deposition.

Prof. Ardia expects to have his report to us by the 19th, and we will produce it to you at

that time. If it is not complete by then, we will produce it to you as soon as it is done.

If you anticipate that this will require another extension, I propose two possible accommodations for you:

1) We stipulate that your opposition can be due a couple of days later than the current date of Nov. 30. Say we'll stip that you can file it on Monday morning, December 3rd, but that our Reply Brief will still be due on Dec. 7.

2) If that is not acceptable, we would be comfortable stipulating to pushing the hearing out, yet again, so that you will have time for all the discovery you might want.

Please let me know by COB, if you can, so that we are not up against the wall with respect to the stipulation time again.

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Marc John Randazza\*

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